

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

United States of America,)
)
)
Plaintiff,) 4:03-cr-474-CWH-24
)
)
vs.)
)
) **ORDER**
Cephus Pierce,)
)
)
Defendant.)
)

Cephus Pierce (“Pierce”) has requested reconsideration of this Court’s order filed on September 23, 2008, denying his motion to reduce his sentence under 18 U.S.C. § 3582. Further reconsideration of Pierce’s sentence is foreclosed by United States v. Goodwyn, 596 F.3d 233, 235-36 (4th Cir. 2010), which holds that the criminal defendant must appeal the district court’s denial of his § 3582(c)(2) motion rather than ask the district court to reconsider its decision. Thus, this Court is without jurisdiction to review the defendant’s motion. United States v. Woodson, No. 08-3810, 2011 WL 2160613, at *2 (4th Cir. June 2, 2011). Additionally, the defendant’s motion relies on the Fair Sentencing Act of 2010 (“the Act”), Pub.L. 111-120, 124 Stat. 2372, which reduced sentencing disparities between crack and power cocaine. To the extent the defendant relies on the Act for relief, the motion likewise must be denied because the Fourth Circuit has held that the Act does not apply to individuals sentenced prior to the Act’s effective date of August 3, 2010. United States v. Bullard, --- F.3d ----, 2011 WL 1718894, at *10 (4th Cir. May 6, 2011). Therefore, Pierce’s motion for reconsideration (ECF No. 1505) is denied.

1
OCH

AND IT IS SO ORDERED.


C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

July 29, 2011
Charleston, South Carolina